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T.R.P. Company, Inc.

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

Case No.: 2:17-cv-02197-JCM-CWH

18
19 T.R.P. Company, Inc.,

20 Plaintiff/Counter-Defendant,

21 vs.

22 Similasan AG and Similasan Corporation.

23 Defendants/Counter-Claimants.
24

**JOINT STIPULATION AND [PROPOSED]
ORDER TO EXTEND DISCOVERY
DEADLINES**

(First Request)

25
26 COME NOW Plaintiff T.R.P. Company, Inc. ("TRP") and Defendants Similasan AG and
27 Similasan Corporation (collectively, "Similasan"), by and through their counsel of record, hereby
28 stipulate and agree to extend the discovery and related deadlines of the Joint Discovery Plan for

1 approximately six (6) months. This is the first request to extend these deadlines, the request is
2 being made more than 21 days from the first current pending deadline, and the Parties are
3 diligently engaged in discovery, but will be unable to complete the outstanding discovery within
4 the current deadlines. The deadlines to be extended, with the current deadline in parentheses
5 (Dkt. 37), and the proposed dates are:

- 6 1. Interim Status Report: (May 16, 2018) to be November 9, 2018;
- 7 2. Fact Discovery Cut-Off: (July 13, 2018) to be January 11, 2019;
- 8 3. Expert Disclosures: (August 17, 2018) to be February 11, 2019;
- 9 4. Rebuttal Expert Disclosure: (September 14, 2018) to be March 11, 2019;
- 10 5. Expert Discovery Cut-Off: (October 19, 2018) to be April 15, 2019;
- 11 6. Dispositive Motions: (November 16, 2018) to be May 13, 2019;
- 12 7. Pre-Trial Order: (December 14, 2018) to June 10, 2019, if no dispositive motions
13 filed, 30 days following entry of order on dispositive motions or further order of the
14 court.

15
16 Discovery Completed – The Parties have completed their initial disclosures, have
17 exchanged initial written discovery and document requests, and are currently producing
18 documents on a rolling basis. Both Parties have produced substantial numbers of documents and
19 are preparing more for production. To date, Similasan has produced over 4,000 documents and
20 anticipates producing similar numbers of documents relating to the new products at issue. TRP
21 has produced approximately 600 documents and is still producing documents related to the initial
22 claims and new claims. The Parties have also been involved in extensive and ongoing meet and
23 confer efforts regarding their discovery responses and document production in an effort to avoid
24 motion practice.

25
26 Discovery To Be Completed – Discovery to be completed includes further written
27 discovery and document productions related to both the prior claims and the new claims added in
28 TRP's Amended Complaint and Similasan's Amended Counterclaims (Dkt. 44), which include

1 eight new causes of action and two additional products, such that the scope of discovery has
2 greatly expanded. The number of potentially responsive documents to be produced has
3 substantially increased. Both sides need to take depositions of all fact witnesses. Expert
4 disclosures, expert discovery and expert depositions are all still outstanding and the scope of the
5 expert opinions has expanded. Additionally, both Parties anticipate pursuing third party
6 discovery. Finally, as noted above, the Parties are currently engaged in meet and confer efforts,
7 but if unsuccessful, additional time for motions to compel to be heard may be required.

9 Pending Motions – Similasan AG’s Motion to Dismiss based on Lack of Personal
10 Jurisdiction, filed on October 17, 2017, is pending before the Court (Dkt. 24).

11 The Parties represent that this Stipulation is sought in good faith. After conducting initial
12 written discovery and document productions, on April 19, 2018, TRP and Similasan amended
13 their Complaint and Counterclaims, respectively, adding several new causes of action to each
14 pleading (Dkt. 44). In particular, TRP added three new causes of action for: (1) tortious
15 interference with prospective business relations, (2) commercial disparagement, and (3) false
16 advertising under 15 U.S.C. § 1125(a)(1)(B). Similasan added five new counterclaims for: (1)
17 federal trademark infringement of Similasan’s Pink Eye Relief mark, (2) federal trademark
18 infringement of Similasan’s Allergy Eye Relief mark, (3) cancellation of TRP’s trademark
19 registration for Allergy Eyes Relief, (4) federal trademark infringement of Similasan’s Earache
20 Relief mark, and (5) cancellation of TRP’s trademark registration for Earache Relief. As these
21 additional causes of action widen the scope of the discovery considerably, additional time is
22 necessary for the Parties to exchange written discovery, collect and produce additional
23 documents, and depose party and third-party witnesses related to these new claims. The Parties

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1 hereby respectfully request that the aforementioned deadlines be extended accordingly.

2 Dated: April 25, 2018

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23 *Attorneys for Plaintiff T.R.P. Company, Inc.*

24 **ORDER**

25 IT IS SO ORDERED.

26
27 
28 UNITED STATES MAGISTRATE JUDGE

DATE: April 26, 2018

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